

Appln. No. 10/730,785  
Amendment filed November 4, 2005  
Response to Office Action mailed July 6, 2005

### **REMARKS**

Claims 1-19 are pending in this application. Claims 12-18 have been allowed, claims 2-9 have been objected to only as being ultimately dependent upon rejected claim 1, and claims 1, 10, 11 and 19 have been rejected. Claim 1 has been amended. Claims 1, 12 and 13 are independent.

The Examiner is thanked for the allowance of claims 12-18 and the indication of allowable subject matter in claims 2-9. Those claims have been maintained unchanged, since, with respect to claims 2-9, as explained below, claim 1, from which they both ultimately depend, is believed to be itself allowable.

#### **The Rejections Under 35 U.S.C. § 102**

Claim 1 was rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Laid-Open Patent Appln. 2002-1036432 to Miyazawa. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Applicants' invention, as described in claim 1, involves a liquid cartridge for supplying liquid to a liquid ejecting apparatus through a liquid supplying needle thereof when mounted on the liquid ejecting apparatus. The liquid cartridges includes a liquid accommodating section for containing liquid, a liquid supplying part, which communicates with the liquid accommodating section, the liquid supplying part including an opening into which the liquid supplying needle of the liquid ejecting apparatus is inserted, and an atmospheric valve for sealing a communicating hole which allows the liquid accommodating section to communicate with atmosphere. The atmospheric valve moves substantially in a direction parallel to a direction in

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which the liquid supplying needle is inserted into the opening of the liquid supplying part when the liquid cartridge is mounted on the liquid ejecting apparatus.

It should be noted that claim 1 speaks of the cartridge supplying liquid to the liquid ejecting apparatus through a liquid supply needle when the liquid cartridge is mounted on the liquid ejecting apparatus. Claim 1 also provides that the atmospheric valve moves substantially in a direction parallel to the direction in which the liquid supply needle is inserted into the opening of the liquid supplying part, again, when the cartridge is mounted on the liquid ejecting apparatus.

By virtue of this arrangement, it is possible to prevent ink contained in the ink cartridge from flowing out of the ink cartridge and to allow the ink accommodating section of the ink cartridge to communicate with the atmosphere by pushing up the atmospheric valve securely when the ink cartridge is mounted on the carriage of an ink jet type recording apparatus. This, incidentally, is mentioned in paragraph [0111] of the specification as filed.

In contrast, Miyazawa does not teach either the above-mentioned features. The Office Action erroneously regards connection port 5, into which a syringe 60 is inserted, as corresponding to the claimed feature of the opening of the liquid supply port. However, syringe 60 is not inserted into connection port 5 when the ink cartridge is mounted on the printer. Rather, syringe 60 is inserted into the connection port 50 when the user refills the ink cartridge with ink from syringe 60. This is discussed at paragraph [0020] of the complete machine English translation of Miyazawa that Applicants have cited. So neither the claim feature providing that the cartridge supplies liquid to the liquid ejecting apparatus through the liquid supply needle when mounted on the liquid ejecting apparatus nor the claim feature providing that the atmospheric valve moves in a direction parallel to the direction in which the liquid supply needle is inserted into the opening of the liquid supply port are even suggested by Miyazawa.

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It is well accepted that a reference which does not identically disclose all the features of a claimed invention cannot anticipate that invention. As just explained, Miyazawa fails even to suggest two different features of the present invention. Accordingly, Miyazawa in no way anticipates this invention.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection is respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,773,099 to Inoue et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claim 1 already has been discussed above in connection with the foregoing rejection. In the interests of brevity, the Examiner is respectfully directed to that discussion for a summary of Claim 1, which discussion is incorporated by reference herein.

Applicants respectfully submit that Inoue in no way even suggests the present invention because Inoue does not provide a one-way valve at the ink cartridge, but rather, at the ejecting apparatus. Thus, Inoue's ink cartridge lacks the claimed atmospheric valve.

Moreover, even assuming arguendo that the one-way valve 30 was provided in Inoue's ink cartridge, that one-way valve 30 still does not move when the ink cartridge is mounted on the ejecting apparatus. As noted above, that is a feature of the subject invention. Consequently Inoue fails to identically disclose the claimed invention, and so cannot anticipate this invention.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection is respectfully requested.

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**The Rejections Under  
35 U.S.C. § 103**

Claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa in view of U.S. Patent No. 6,863,388 to Seino et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claims 10 and 11 both depend from and so incorporate by reference all the features of claim 1, including the features just shown to patentably distinguish over Miyazawa. Claims 10 and 11 therefore patentably distinguish over Miyazawa at least for the same reasons as claim 1, which reasons are incorporated by reference herein.

Seino only is suggested as teaching a seal film, tearing means and attaching part on which a memory is attached. Even assuming that Seino teaches all that the Office Action asserts, it remains that Seino does not suggest the features of the claimed invention just shown to avoid Miyazawa.<sup>1</sup>

Accordingly, claims 10 and 11 patentably distinguish over the combination of Miyazawa and Seino at least for the same reasons claim 1 avoids Miyazawa alone.

Claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Seino. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claims 10 and 11 both depend from and so incorporate by reference all the features of claim 1, including the features just shown to patentably distinguish over Inoue. Claims 10 and 11 therefore patentably distinguish over Inoue at least for the same reasons as claim 1, which reasons are incorporated by reference herein.

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<sup>1</sup> Valve 24, shown, for example, in Figs. 3 and 6A-8B, is an ink valve, not an atmospheric valve.

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Seino also has already been shown only to teach a seal film, tearing means and attaching part on which a memory is attached. Even assuming that Seino teaches all that the Office Action asserts, it remains that Seino does not suggest the features of the claimed invention just shown to avoid Inoue.

Accordingly, claims 10 and 11 patentably distinguish over the combination of Inoue and Seino at least for the same reasons claim 1 avoids Inoue alone. Favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa in view of U.S. Patent No. 5,040,002 to Pollacek et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claim 19 depends from and so incorporates by reference all the features of claim 1, including the features just shown to patentably distinguish over Miyazawa. Claim 19 therefore patentably distinguishes over Miyazawa at least for the same reasons as claim 1, which reasons are incorporated by reference herein.<sup>2</sup>

Pollacek is cited as teaching a check valve 38 provided between the liquid accommodation section and the communicating hole. Even assuming this is correct, it remains that Pollacek's valve differs from that claimed for at least the following reason. Pollacek's valve 38 does not open in response to mounting of the ink cartridge on the recording apparatus; rather, as explained at col. 4, lines 23-46, Pollacek's valve remains closed until a sufficient underpressure builds in the ink tank, at which point the valve opens.

So Pollacek also does not suggest the feature of claim 1 providing for an atmospheric valve that moves substantially in a direction parallel to the direction in which the

<sup>2</sup> While Pollacek does teach that the ink cartridge 34 has a valve as shown in Fig.

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liquid supply needle is inserted into the opening of the liquid supplying part when the cartridge is mounted on the liquid ejecting apparatus.

Since the cited references suffer from the same deficiencies with regard to the invention claims, the claimed invention patentably distinguishes over the combination of those references. Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Pollacek. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claim 19 depends from and so incorporates by reference all the features of claim 1, including the features just shown to patentably distinguish over Inoue. Claim 19 therefore patentably distinguishes over Inoue at least for the same reasons as claim 1, which reasons are incorporated by reference herein.

Pollacek, the other cited reference, also has already been shown deficient and not to suggest claim 1.

Accordingly, claim 19 patentably distinguishes over Inoue and Pollacek at least for the reasons already given above. Favorable reconsideration and withdrawal of this rejection are therefore respectfully requested.

### **CONCLUSION**

Two of the references applied in the Office Action, JP 2002-103643 and U.S. 6,863,388, are commonly assigned along with the present application. To the extent this response discusses those references, such discussion involves the general teachings of those

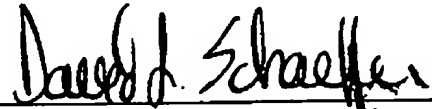
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references, and should not necessarily be construed to limit the scope of the claims of those references or their counterparts. If any of those references is characterized as teaching a particular feature or mode of operation, the claims of that reference and its counterparts should not necessarily be construed to require that feature or mode of operation unless the feature or mode of operation is specifically recited in the claims. In this regard, it should be noted that the claims of a patent are not necessarily limited to embodiments disclosed, and that limitations in the specification are not necessarily to be imported into the claims. Also, an inventor need not foresee all uses for their invention

Other than the fee for the requisite extension of time, no fees are believed to be due. Nevertheless, the Commissioner is authorized to charge any fees now or hereafter due in connection with this application to Deposit Account no. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,



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